

REMARKS

Specification

Please change the title to “A SERVER FOR JOINING A USER INTENDING TO INITIATE A GROUP CALL TO AN EXISTING GROUP CALL IN A GROUP COMMUNICATION NETWORK”.

Double Patenting

Claims 1-36 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting. A terminal disclaimer in compliance with 37 CFR 1.321 is being submitted under separate cover. Please note that copending Application No. 10/076,848 was allowed and a Notice of Allowability was mailed January 18, 2005. Therefore, with the submittal of the terminal disclaimer as suggested by the Examiner, it is respectfully submitted that the double patenting rejection be withdrawn and that claims 1-36 be allowed.

35 U.S.C. § 102 (e)

Claims 1-5, 9-13, 17-21, 25-29 and 33-36 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Vishwanathan (US 2003/0017836A1). Applicants respectfully traverse the rejection.

Claim 1 of the Applicants' claimed invention recites a method in a server for adding a user to a group call in a group communication network where the method comprises receiving a request for initiating a group call, determining whether the group call is in progress and adding the user to the group call if the group call is in progress.

Vishwanathan (US 2003/0017836A1) discloses a system and method of group calling in mobile communications. Information is retrieved from a list of members of a call group. Based on the retrieved information, a group call is established between first and second mobile stations.

Voice data for the group call is transmitted in a multicast session. **Based on a history of group calls** between two points in a mobile communications network, a determination is made as to whether to establish a multicast session between the two points.

The Applicants respectfully submit that Vishwanathan et al. fails to at least disclose the feature of determining whether the group call is in progress. The Office Action asserts that the Abstract discloses this feature. This is not an accurate characterization of the Vishwanathan Abstract which states that “Based on a history of group calls between two points in a mobile communications network, a determination is made as to whether to establish a multicast session between the two points.” Vishwanathan discloses the use of a history of group calls between two points and **not** “determining whether the group call is in progress and adding the user to the group call if the group call is in progress” as claimed by the Applicants.

Furthermore, in page 6, para. 0064 of Vishwanathan states that:

A user of the group communication system may request a listing of group calls in progress ("active group calls") for CUGs in which the user is a member, and join one of such calls. A user of the group communication system may initiate or join a public group call, i.e., a group call for a CUG that includes every user of the group communication system. An operator may define any number of public user groups ("PUGs"). Each user of the group communication system is automatically made a member of all PUGs. **To join an active public group call, the user requests a listing of active public group calls and selects a call in which to participate.**

Note that to “join an active public group call, the user **requests a listing** of active public group calls and **selects a call** in which to participate.” The user must make a **request** of the listing of active group calls and then the user must **select** a call.

This is in contrast to the Applicants’ claimed invention which is claimed from the **server’s perspective** (as opposed to the user based system of Vishwanathan) and comprises receiving a request for initiating a group call, determining whether the group call is in progress

and adding the user to the group call if the group call is in progress. There is no need for the user to make the request and there is no need for the user to select in the Applicants' claimed invention.

Therefore, for at least these reasons it is respectfully requested that the rejection be withdrawn and that claim 1 be allowed.

Claims 2-5 are dependent claims that depend upon independent claim 1 and should be allowed for at least the same reasons presented above regarding claim 1 as well as the additionally recited features found in these claims.

Claim 9 is an independent claim that recites related subject matter to independent claim 1 and should be allowed for at least the same reasons presented above regarding claim 1 as well as the additionally recited features found in this claim.

Claims 10-13 are dependent claims that depend upon independent claim 9 and should be allowed for at least the same reasons presented above regarding claim 9 as well as the additionally recited features found in these claims.

Claim 17 is an independent claim that recites related subject matter to independent claim 1 and should be allowed for at least the same reasons presented above regarding claim 1 as well as the additionally recited features found in this claim.

Claims 18-21 are dependent claims that depend upon independent claim 17 and should be allowed for at least the same reasons presented above regarding claim 17 as well as the additionally recited features found in these claims.

Claim 25 is an independent claim that recites related subject matter to independent claim 1 and should be allowed for at least the same reasons presented above regarding claim 1 as well as the additionally recited features found in this claim.

Claims 26-29 are dependent claims that depend upon independent claim 25 and should be allowed for at least the same reasons presented above regarding claim 25 as well as the additionally recited features found in these claims.

Claim 33 is an independent claim that recites related subject matter to independent claim 1 and should be allowed for at least the same reasons presented above regarding claim 1 as well as the additionally recited features found in this claim.

Claims 34-36 are dependent claims that depend upon independent claim 33 and should be allowed for at least the same reasons presented above regarding claim 33 as well as the additionally recited features found in these claims.

35 U.S.C. § 103 (a)

Claims 6-8, 14-16, 22-24 and 30-32 are rejected under 35 U.S.C. § 103 (a) as being allegedly unpatentable over Vishwanathan in view of Rosen et al. (U.S. Patent No. 6,725,053). Applicants respectfully traverse the rejection. Also, for purposes of clarifying the record, the Applicants would like to point out that the secondary reference applied is **Rosen** et al. and not **Rose** et al. as stated in the Office Action.

The Applicants respectfully submit that the primary reference Vishwanathan is defective in the manner presented and described above in overcoming the 35 U.S.C. § 102(e) rejection. For the purposed of brevity, the remarks will not be repeated. Furthermore, the application of the secondary reference, Rosen et al. does not cure the deficiencies of the primary reference as stated above.

Therefore, for at least these reasons it is respectfully submitted that the rejection be withdrawn and that claims 6-8, 14-16, 22-24 and 30-32 be allowed, since these claims are dependent claims that depend upon independent claims 1, 9, 17, 25 and 33 that are

distinguishable over the Applicants' claimed invention as discussed above in addressing the 35 U.S.C. § 102(e) rejection.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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